

Governing Body Minutes – October 8, 2019

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 8, 2019. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Coen and Lesser -8. Mayor De La Isla presided -1. Council District No. 7 – Vacant.

AFTER THE MEETING was called to order, Pastor Bob Giffin, Grace Point Church, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

A PRESENTATION on the Topeka Way to Work Program was provided by Sarah Jones, Human Resources Department.

BOARD APPOINTMENT recommending the appointment of Joseph Ledbetter to the Topeka Metropolitan Transit Board for an unexpired term ending September 16, 2023, was presented.

BOARD APPOINTMENT recommending the appointment of James Kaup to the Topeka Planning Commission for a term ending September 30, 2022, was presented.

ADVISORY COUNCIL APPOINTMENT of Annette Caraway to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2021, was presented.

ADVISORY COUNCIL APPOINTMENT of Kim Dietrich to the City of Topeka Americans with Disabilities Act (ADA) Advisory Council for a term ending September 30, 2021, was presented.

Councilmember Coen moved to approve the board appointments. The motion seconded by Councilmember Jensen carried unanimously. (8-0-0)

THE CONSENT AGENDA was presented as follows:

ORDINANCE NO. 20210 introduced by City Manager Brent Trout, allowing and approving City expenditures for the period August 3, 2019, through August 30, 2019, and enumerating said expenditures therein was presented.

RESOLUTION NO. 9148 introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire easements for the reconstruction of SW 10th Avenue from Fairlawn to Wanamaker to include utility improvements was presented.

RESOLUTION NO. 9149 introduced by City Manager Brent Trout, authorizing the initiation of litigation against the manufacturers of prescription opiates and those in the chain of distribution was presented.

MINUTES of the regular meeting of September 17, 2019, was presented.

Councilmember Emerson moved to approve the consent agenda. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

REQUEST to refer discussion and review of TMC Chapters 9.20 (“Discrimination”) and 9.25 (“Fair Housing”) to the Council Policy and Finance (PF) Committee in accordance with Section 8.5(a)(1) of the Governing Body Rules and Procedures was presented.

Brent Trout, City Manager, reported staff was recommending referral for the purpose of evaluation, review and subsequent recommendation to the full Governing Body.

William Neager, Topeka Human Relations Commission (THRC), reported the Commission has recently discussed updates to Title 9 that applies to private businesses, primarily to add gender identity and sexual orientation to the list of protected classes.

Councilmember Hiller confirmed the referral relates to review of definitions only and not a request to establish a City of Topeka Human Relations Department or review the Commission’s authoritative role in the community.

Councilmember Jensen moved to refer the ordinance to the Policy and Finance Committee

for review. The motion seconded by Councilmember Clear carried unanimously. (9-0-0)

ORDINANCE NO. 20211 introduced by Councilmember Sandra Clear, concerning parking on non-paved surfaces, amending City of Topeka Code Sections 2.40.130, 2.40.210 and 10.60.120 and repealing original sections was presented.

Brent Trout, City Manager, reported the proposed ordinance includes some suggested changes relating to enforcement as discussed at the September 17, 2019, Governing Body meeting.

Councilmember Clear spoke in support of the ordinance. She stated she believes these types of regulations help support the expectations of good residents and instill pride in neighborhoods.

Councilmember Ortiz stated she understands the desire to improve the appearance of neighborhoods; however, she expressed concern with the need for additional parking by residents for special occasions or holiday gatherings.

Councilmember Padilla stated the intent of the proposed ordinance was to address repeat offenders while improving the appearance and safety of residential neighborhoods.

Councilmember Hiller stated she concurs with Councilmember Padilla. She encouraged staff to be consistent with guidance and enforcement of the regulations and noted in terms of functionality the Code Enforcement Division will be the first line of enforcement.

Lisa Robertson, City Attorney, stated the Topeka Police Department was added in the ordinance as an enforcement layer because typically compliance happens when citations are issued.

Councilmember Clear moved to adopt the ordinance. The motion was seconded by Councilmember Padilla.

Clark Trammell expressed concern with finding effective language for enforcement of all surfaces as well as implementing driveway extension permits. He spoke in support of making

Code Enforcement the primary enforcement division of violations.

Trae McPherson spoke in support of allowing exceptions for disabled citizens that may have financial and/or physical limitations.

Councilmember Emerson spoke in support of including exceptions for short-term parking to accommodate special occasions or holiday gatherings.

Councilmember Clear stated short-term parking has not been an issue to date and will not be in the future by enforcement divisions.

Brent Trout referenced the revised language in the ordinance which outlines authority for both the Topeka Police Department and Code Enforcement Division.

The motion to adopt the ordinance carried. Councilmember Ortiz voted “no.” (8-1-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Emerson, Padilla, Jensen, Coen, Lesser and Mayor De La Isla -8. Noes: Ortiz -1.

ORDINANCE NO. 20212 introduced by City Manager Brent Trout, pertaining to an amendment to the text and map of the Topeka Comprehensive Plan for the Central Park Neighborhood Plan was presented. (CPA19/01)

Brent Trout, City Manager, reported approval would amend the neighborhood plan for Central Park.

Don Perkins, Central Park Neighborhood Improvement Association (NIA) President, thanked staff for their excellent work on the plan and support of the neighborhood.

Councilmembers Emerson and Coen left the room.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried. Councilmembers Emerson and Coen were out of the room. (7-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Padilla,

Jensen, Lesser and Mayor De La Isla -7. Absent: Emerson and Coen -2.

Councilmembers Emerson and Coen entered the room.

ORDINANCE NO. 20213 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code on a 2.1 acre property located at 6017 SW 30th Terrace from “C-2” Commercial District and “O&I-2” Office and Institutional District to “PUD” Planned Unit Development District (C-2 Commercial Use Group, with other specific uses limited to Self-Storage Types I & II and Building, Construction & Mechanical Contractors Office.) was presented. (PUD19/03)

Bill Fiander, Planning and Development Director, reported approval would allow for various C-2 Commercial Uses, with other uses limited to Self-Storage Types I and II and Building, Construction and Mechanical Contractors Office. He stated the Topeka Planning Commission and Planning Department recommend approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

No ex parte communication was declared.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Lesser carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson,

Padilla, Jensen, Coen, Lesser and Mayor De La Isla -9.

ORDINANCE NO. 20214 introduced by City Manager Brent Trout, amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code, by providing for certain changes in zoning on property located at 2200 SE Powell Street from “O&I-2” Office and Institutional Dwelling District TO “C-2” Commercial District was presented. (Z19/7)

Bill Fiander, Planning and Development Director, reported approval would allow the re-use of the building for a coffee shop with a drive-through window. He stated no opposition was expressed by the neighborhood and the Topeka Planning Commission and Planning Department recommend approval.

Mayor De La Isla stated prior to proceeding with the vote, each member of the Governing Body who has engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, must state that the communication occurred and indicate that even in light of having engaged in the communication they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record. The record includes the Planning Commission minutes, the Staff report and its attachments, the public comments made during the Planning Commission hearing and similar relevant information related to the matter.

Ex parte communication was declared by Councilmembers Jensen, Emerson and Padilla.

Councilmember Clear moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (9-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Coen, Lesser and Mayor De La Isla -9.

DISCUSSION of funding recommendations by Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council in the amount of \$626,000 for the 2020 Special Alcohol Fund was presented.

Max Wilson, Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council Grants Review Chair, reported there were a total of nine applications received and the Review Team recommended the following:

- Boys and Girls Club (Smart Moves Team Center) \$11,000
- PARS (Prevention Programs) \$173,000
- PARS (Evaluation and Intervention) \$58,183
- Third Judicial District (Drug Court Program) \$43,000
- Kansas Children Service League (Successful Connections Drug Endangered Child Program) \$14,000
- Valeo (Social Detox Program) \$285,275
- ADAAC (Mini Grants, Capital Improvements and Grant Workshop) \$41,542

UPDATE on the 2020-2022 Stages of Resource Target Area for future federal and city funding was presented.

Monique Glaude, Community Engagement Division Director, provided an update of the SORT Program, Review Process and Schedule. She commented on the 2020 SORT Target Area Applicant Scores and announced East Topeka North was selected as the 2020 target area neighborhood by the Citizens Advisory Council.

Councilmember Hiller asked if the SORT Program would be reviewed as part of the housing study.

Brent Trout, City Manager, reported the housing study would review housing to determine the type and quality of housing needed and could be used for future SORT Programs to help allocate funding.

Councilmember Hiller referenced the goals of the SORT Program to help increase property tax values, decrease crime and improve neighborhood engagement. She suggested creating a

new structure for the program by developing a rotating review schedule for neighborhood plans so they are prepared to apply for the SORT Program when advisable. She noted the change in process may increase self-help for neighborhoods, engagement in the community; private source funding and stronger neighborhoods.

Mayor De La Isla noted the SORT program helps the very low-income and revitalizes several neighborhoods in dire need. She expressed the importance of offering financial solutions to families that have an opportunity to participate in improvement programs; however, they are unable to do so because they are indebted to the community.

UPDATE on the 2020 Neighborhood Empowerment Grants was presented.

Monique Glaude, Community Engagement Division Director, provided an update on the 2020 Neighborhood Empowerment Grants in the amount of \$137,890 (Community Development Block Grant funds) to be allocated to projects in designated Neighborhood Improvement Association neighborhoods. Project allocations are listed below:

- \$12,384 Central Highland Park ADA Accessible playground at Highland Park Central Elementary
- \$1,800 Historic North Topeka East Little Russia Banner
- \$25,000 Historic North Topeka East Signalized Pedestrian Crossing at N. Kansas Avenue and Gordon Street
- \$6,225 North Topeka West Banner project
- \$29,050 Oakland LULAC Center Beautification and Repair Project
- \$21,890 Oakland Student Walkway 500 block of Sumner
- \$10,000 Ward Meade Exterior Lighting Assessment

DISCUSSION of an ordinance concerning hazardous material and civil emergencies was presented.

Craig Duke, Topeka Fire Chief, provided an overview of the language amendments clarifying current provisions and ensuring the City will be able to attempt recovery of certain expenses related to emergency actions.

Councilmember Hiller asked if the ordinance would include billing of responsible parties for hazardous materials for routine vehicle accidents and support total reimbursement for resources used.

Chief Duke stated the rate of reimbursement would be determined by Federal Emergency Management Agency (FEMA).

Catherine Walter, Assistant City Attorney, stated the language was broad enough to make a request of total reimbursement to applicable parties.

Councilmember Hiller asked staff to request 100% reimbursement from responsible parties.

Councilmember Emerson questioned the intent of the language on line 104 relating to civil action and asked if the word “bring” should be replaced with the word “prepare.”

Lisa Robertson, City Attorney, spoke in support of amending the language to clarify the intent of the ordinance.

DISCUSSION concerning term limits of the mayor and councilmembers was presented.

Councilmember Coen, Policy and Finance (PF) Committee Chair, provided the Committee Report and noted the last time term limits were considered by the Governing Body was in 2010. He stated the Policy and Finance Committee recommend submitting a Charter Ordinance that includes language making the issue of whether or not to impose term limits subject to a vote. He reported the primary components of the new subsection include:

- May not be elected to office for more than two consecutive (four year) terms in that office (exemption for serving a partial term).
- Disqualified from further service if person has served terms totaling sixteen consecutive years in that office; however, may serve again after at least a two-year break in service.
- Service resulting from an election occurring prior to November 3, 2020, not counted toward the total number of years a person can serve.
- If approved by voters at the November 3, 2020 election, date that terms would begin to count toward the limitation would be terms commencing January 2022 (following November 2021 election) for the Mayor and Councilmembers serving Districts 1, 3, 5, 7 and 9; and January 2024 (following November 2023 election) for Councilmembers serving Districts 2, 4, 6 and 8.

Councilmember Jensen spoke in support of the ordinance and noted the intent of the Committee was to allow voters to make the decision.

Councilmember Clear and Mayor De La Isla spoke in support of the ordinance and allowing citizens to vote on the matter.

Councilmember Ortiz stated she supports sending the matter to a vote; however, implementing term limits would essentially restrict a citizen's right to elect who they may want as a representative.

Councilmember Hiller spoke in opposition of implementing term limits. She stated she believes experience plays a crucial role in effective government at all levels.

Councilmember Lesser spoke in support of implementing term limits. He stated it takes a great deal of time to learn how to best serve the community; therefore, he would suggest revising the language to allow three consecutive four-year terms.

Councilmember Emerson stated he concurs with Councilmember Lesser.

Clark Trammell spoke in support of allowing citizens to vote on the matter and suggested encompassing the same term limits for the Joint Economic Development Organization (JEDO) Board.

Trae McPherson spoke in support of allowing citizens to vote on the matter.

DISCUSSION on proposed revision to Governing Body Rule 5.3 entitled "Agenda Contents" was presented.

Brent Trout, City Manager, reported the proposed changes would switch the order of Roll Call, Presentations and Public Comment.

Trae McPherson spoke in support of making local government more accessible to the public.

Councilmember Coen suggested allowing Public Comment at the beginning of the meeting.

Brent Trout stated Public Comment at the beginning of the meeting was implemented for a short-time; however, the practice was not approved by the Governing Body on a permanent basis. He noted if it was the desire of the Governing Body it could be implemented again.

Councilmember Ortiz stated the Governing Body has the ability to suspend the Governing Body Rules to allow Public Comment at the beginning of the meeting if needed. She stated she prefers to keep Public Comment in the present order of the agenda, after Announcements.

Brent Trout stated the intent of the proposed revision was to allow the Governing Body the opportunity to respond to comments made by citizens during Public Comment.

ANNOUNCEMENTS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Brenda Younger, City Clerk, provided an overview of the October 15, 2019, Governing Body agenda.

Brent Trout, City Manager, announced the Topeka Municipal Court would host a Food for Fines Drive in the month of October; and the League of Kansas Municipalities would hold their Annual Meeting in Overland Park, Kansas, during the week of October 14, 2019. He provided an overview of the Council District No. 7 Vacancy process and timeline.

Mayor De La Isla commented on the Accelerator for America focus of determining opportunity zones in neighborhoods. She referenced the September 24, 2019, TopCity Youth Council Town Hall meeting and commended Youth Councilmembers for addressing tough topics such as gun violence. She thanked the Shawnee County Emergency Management Team for hosting a tour of operations and discussing possible training for the Governing Body. She expressed the importance of inclusion and diversity in the community. She congratulated former Councilmember Aaron Mays on his appointment to the Shawnee County Commission. She commended the Greater Topeka Partnership for hosting the Intercity Visit to Montgomery,

Alabama.

Councilmember Coen requested a report on the Intercity Visit to Montgomery, Alabama. He announced the opening of Little Cesar's Pizza in Fairlawn Plaza.

Councilmember Hiller congratulated former Councilmember Aaron Mays on his appointment to the Shawnee County Commission. She commented on the Intercity Visit to Montgomery, Alabama, and the large integration of the military in the community. She announced the opening of Claire's Courtyard at the Topeka-Shawnee County Public Library on October 8, 2019. She requested the City promote and encourage the use of the National Bike Registry to help eliminate bicycle theft.

Councilmember Ortiz announced the Public Health and Safety Committee meeting would be held October 14, 2019, at 3:30 p.m.

Councilmember Padilla commented on the Intercity Visit to Montgomery, Alabama, and the importance of quality of place in regards to economic development and how each enhances the community. He reported he attended the 2019 Annual Kansas LULAC State Convention celebrating 90 years of service on October 5, 2019, in Topeka.

Councilmember Jensen commented on the Intercity Visit to Montgomery, Alabama, and thanked the Greater Topeka Partnership for the opportunity to learn about other communities.

Clark Trammell and Trae McPherson appeared to speak under public comment.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:15 p.m.

(SEAL)

Brenda Younger
City Clerk